

**FY 2006 Judicial Branch
Appropriations Bill
House File 807**

Last Action:
**House Appropriations
Committee**
March 14, 2005

An Act relating to and making appropriations to the Judicial Branch, and providing an effective date.

**Fiscal Services Division
Legislative Services Agency**

NOTES ON BILLS AND AMENDMENTS (NOBA)

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**HOUSE FILE 807
FY 2006 JUDICIAL BRANCH APPROPRIATIONS BILL**

FUNDING SUMMARY

- Appropriates a total of \$120.1 million from the General Fund to the Judicial Branch. The Judicial Branch has 1,817.9 FTE positions, which are not appropriated in this Bill. This is no change in funding or FTE positions compared to the estimated net FY 2005 appropriation.

**CONTINGENT FY 2005
SUPPLEMENTAL APPROPRIATION**

- Makes a contingent appropriation for FY 2005 of \$600,000 to be used for administration and operations. The funds appropriated in this Section are contingent upon the receipt of Microsoft anti-trust settlement money by the General Fund. (Page 1, Line 21)

**INTENT LANGUAGE AND REQUIRED
REPORTS**

- Specifies that the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public as much as reasonably possible. (Page 2, Line 18)
- Requires the Judicial Branch to study the best practices and efficiencies of each judicial district. The report is due to the General Assembly by December 15, 2005. (Page 2, Line 23)
- Requires the Judicial Branch to report to the General Assembly by January 1, 2006, regarding the revenues and expenditures for the Enhanced Court Collections Fund and the Court Technology and Modernization Fund. The report shall include revenues and expenditures for FY 2005 and planned expenditures for FY 2006. (Page 3, Line 16)
- Requires the State Court Administrator to approve all Clerk of Court appointments. (Page 4, Line 1)

**SIGNIFICANT CHANGES TO THE
CODE OF IOWA**

- Reduces the State's contribution to the judicial retirement from 23.7% to 9.7 % of the judges' basic salaries. (Page 3, Line 31)

EFFECTIVE DATE

- Specifies that the Section appropriating funds contingent upon Microsoft anti-trust settlement funds being received by the General Fund takes effect upon enactment.

House File 807

House File 807 provides for the following changes to the Code of Iowa.

<u>Page #</u>	<u>Line #</u>	<u>Bill Section</u>	<u>Action</u>	<u>Code Section</u>	<u>Description</u>
3	31	2	Nwthstnd	Sec. 602.9104	Judicial Retirement Fund - Reduces the employer contribution rate from 23.7% to 9.7%.

1 1 JUDICIAL BRANCH

1 2 Section 1. JUDICIAL BRANCH.

1 3 1. There is appropriated from the general fund of the
1 4 state to the judicial branch for the fiscal year beginning
1 5 July 1, 2005, and ending June 30, 2006, the following amount,
1 6 or so much thereof as is necessary, to be used for the
1 7 purposes designated:

1 8 For salaries of supreme court justices, appellate court
1 9 judges, district court judges, district associate judges,
1 10 judicial magistrates and staff, state court administrators,
1 11 clerk of the supreme court, district court administrators,
1 12 clerks of the district court, juvenile court officers, board
1 13 of law examiners and board of examiners of shorthand reporters
1 14 and judicial qualifications commission, receipt and
1 15 disbursement of child support payments, reimbursement of the
1 16 auditor of state for expenses incurred in completing audits of
1 17 the offices of the clerks of the district court during the
1 18 fiscal year beginning July 1, 2005, and maintenance,
1 19 equipment, and miscellaneous purposes:
1 20 \$118,084,282

General Fund appropriation to the Judicial Branch for operations.
DETAIL: Maintains current level of General Fund support.

1 21 2. In addition to the funds appropriated in subsection 1,
1 22 there is appropriated from the general fund of the state to
1 23 the judicial branch for the fiscal year beginning July 1,
1 24 2004, and ending June 30, 2005, an amount not exceeding
1 25 \$600,000 to be used for administration and operations. The
1 26 funds appropriated in this subsection are contingent upon
1 27 receipt by the general fund of the state of an amount at least
1 28 equal to the expenditure amount from costs or attorney fees
1 29 awarded the state in settlement of its antitrust action
1 30 against Microsoft brought under chapter 553. However, if the
1 31 amounts received as a result of this settlement are in excess
1 32 of \$600,000, the excess amounts shall not be appropriated to
1 33 the judicial branch pursuant to this subsection.

General Fund appropriation of \$600,000 contingent upon the receipt
of Microsoft anti-trust settlement money.
DETAIL: This is a contingent FY 2005 supplemental appropriation for
administration and operations.

1 34 3. The judicial branch, except for purposes of internal
1 35 processing, shall use the current state budget system, the
2 1 state payroll system, and the Iowa finance and accounting
2 2 system in administration of programs and payments for
2 3 services, and shall not duplicate the state payroll,
2 4 accounting, and budgeting systems.

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and record keeping system.

2 5 4. The judicial branch shall submit monthly financial
2 6 statements to the legislative services agency and the
2 7 department of management containing all appropriated accounts
2 8 in the same manner as provided in the monthly financial status
2 9 reports and personal services usage reports of the department
2 10 of administrative services. The monthly financial statements
2 11 shall include a comparison of the dollars and percentage spent
2 12 of budgeted versus actual revenues and expenditures on a
2 13 cumulative basis for full-time equivalent positions and
2 14 dollars.

Requires the Judicial Branch to submit monthly financial statements on all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency and the Department of Management (DOM). Specifies what is to be included in the financial statements.

2 15 5. The judicial branch shall focus efforts upon the
2 16 collection of delinquent fines, penalties, court costs, fees,
2 17 surcharges, or similar amounts.

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

2 18 6. It is the intent of the general assembly that the
2 19 offices of the clerks of the district court operate in all
2 20 ninety-nine counties and be accessible to the public as much
2 21 as is reasonably possible in order to address the relative
2 22 needs of the citizens of each county.

Specifies that it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as reasonably possible.

2 23 7. The judicial branch shall study the best practices and
2 24 efficiencies of each judicial district. In identifying the
2 25 most efficient judicial districts and the districts using best
2 26 practices, the judicial branch shall consider the average cost
2 27 to the judicial branch for processing each classification of
2 28 criminal offense or civil action and the overall number of

Requires the Judicial Branch to study the best practices and efficiencies of each judicial district and submit a report to the General Assembly and Legislative Services Agency by December 15, 2005.

2 29 cases filed. The judicial branch shall file a report
2 30 regarding the study made and actions taken pursuant to this
2 31 subsection with the cochairpersons and ranking members of the
2 32 joint appropriations subcommittee on the justice system and to
2 33 the legislative services agency by December 15, 2005.

2 34 8. In addition to the requirements for transfers under
2 35 section 8.39, the judicial branch shall not change the
3 1 appropriations from the amounts appropriated to the judicial
3 2 branch in this Act, unless notice of the revisions is given
3 3 prior to their effective date to the legislative services
3 4 agency. The notice shall include information on the branch's
3 5 rationale for making the changes and details concerning the
3 6 workload and performance measures upon which the changes are
3 7 based.

Requires the Judicial Branch to notify the Legislative Services Agency prior to any intradepartmental transfer of funds. Specifies the contents of the notice.

3 8 9. The judicial branch shall submit a semiannual update to
3 9 the legislative services agency specifying the amounts of
3 10 fines, surcharges, and court costs collected using the Iowa
3 11 court information system since the last report. The judicial
3 12 branch shall continue to facilitate the sharing of vital
3 13 sentencing and other information with other state departments
3 14 and governmental agencies involved in the criminal justice
3 15 system through the Iowa court information system.

Requires the Judicial Branch to provide a semi-annual report to the Legislative Services Agency, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). The Judicial Branch will continue to share vital sentencing and other information with departments and government agencies involved with the criminal justice system through the Iowa Court Information System.

3 16 10. The judicial branch shall provide a report to the
3 17 general assembly by January 1, 2006, concerning the amounts
3 18 received and expended from the enhanced court collections fund
3 19 created in section 602.1304 and the court technology and
3 20 modernization fund created in section 602.8108, subsection 5,
3 21 during the fiscal year beginning July 1, 2004, and ending June
3 22 30, 2005, and the plans for expenditures from each fund during
3 23 the fiscal year beginning July 1, 2005, and ending June 30,
3 24 2006. A copy of the report shall be provided to the
3 25 legislative services agency.

Requires the Judicial Branch to report to the General Assembly by January 1, 2006, concerning the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2005 and planned expenditures for FY 2006. The Judicial Branch is required to provide a copy of this report to the Legislative Services Agency.

3 26 Sec. 2. JUDICIAL RETIREMENT FUND. There is appropriated
 3 27 from the general fund of the state to the judicial retirement
 3 28 fund for the fiscal year beginning July 1, 2005, and ending
 3 29 June 30, 2006, the following amount, or so much thereof as is
 3 30 necessary, to be used for the purpose designated:

3 31 Notwithstanding section 602.9104, for the state's
 3 32 contribution to the judicial retirement fund in the amount of
 3 33 9.7 percent of the basic salaries of the judges covered under
 3 34 chapter 602, article 9:
 3 35 \$ 2,039,664

General Fund appropriation to the Judicial Branch for the Judicial Retirement Fund.

DETAIL: Maintains current level of General Fund support.

CODE: Reduces the State's contribution to the Judicial Retirement Fund from 23.70% to 9.70% of the basic salaries of judges.

4 1 Sec. 3. APPOINTMENT OF CLERK OF COURT. The appointment of
 4 2 a clerk of the district court shall not occur unless the state
 4 3 court administrator approves the appointment.

Requires the State Court Administrator to approve all Clerk of Court appointments.

DETAIL: The State Court Administrator is supervising the appointment of Clerks of the District Court for budgetary reasons.

4 4 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT --
 4 5 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports
 4 6 required to be provided by the judicial branch for fiscal year
 4 7 2005-2006 to the legislative services agency shall be provided
 4 8 in an electronic format. The legislative services agency
 4 9 shall post the reports on its internet site and shall notify
 4 10 by electronic means all the members of the joint
 4 11 appropriations subcommittee on the justice system when a
 4 12 report is posted. Upon request, copies of the reports may be
 4 13 mailed to members of the joint appropriations subcommittee on
 4 14 the justice system.

Requires the Judicial Branch to provide the Legislative Services Agency with reports in electronic format so that the reports can be placed on the Legislative Services Agency web site. The Legislative Services Agency is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.

4 15 Sec. 5. EFFECTIVE DATE. The section of this Act
 4 16 appropriating funds that are contingent upon the general fund
 4 17 of the state receiving funds from the Microsoft settlement,

Specifies that the Section authorizing the contingent appropriation of \$600,000 from the Microsoft anti-trust settlement takes effect upon enactment.

4 18 being deemed of immediate importance, takes effect upon
4 19 enactment.

4 20 EXPLANATION

4 21 This bill makes appropriations for FY 2005-2006 to the
4 22 judicial branch.

4 23 The bill makes an appropriation to the judicial branch
4 24 contingent upon the general fund of the state receiving moneys
4 25 from the antitrust action brought against Microsoft.

4 26 The bill provides that the appointment of a clerk of the
4 27 district court shall not occur unless the state court
4 28 administrator approves such an appointment.

4 29 LSB 1090HV 81

4 30 jm:mg/pj/5

Justice System

General Fund

House File 807	Actual FY 2003	Actual FY 2004	Estimated FY 2005	House Approp FY 2006	House Approp vs Est FY 2005	Page & Line Number
	(1)	(2)	(3)	(4)	(5)	(6)
Judicial Branch						
Judicial Branch	\$ 109,154,603	\$ 116,172,603	\$ 118,084,282	\$ 118,084,282	\$ 0	PG 1 LN 8
Judicial Retirement	2,039,664	2,039,664	2,039,664	2,039,664	0	PG 3 LN 31
Total Judicial Branch	\$ 111,194,267	\$ 118,212,267	\$ 120,123,946	\$ 120,123,946	\$ 0	

* House Study Bill 275 makes a contingent supplemental appropriation of \$600,000 for FY 2005 from the Microsoft Anti-Trust Settlement agreement to be used for Judicial Branch operations.

Justice System

FTE

House File 807	Actual FY 2003	Actual FY 2004	Estimated FY 2005	House Approp FY 2006	House Approp vs Est FY 2005	Page & Line Number
	(1)	(2)	(3)	(4)	(5)	(6)
Judicial Branch						
Judicial Branch	1,862.66	1,880.68	1,817.85	1,817.85	0.00	PG 1 LN 8